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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,512	02/09/2001	Bruno Jechoux	203014US2	7114
22850	7590	01/30/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 01/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/779,512	JECHOUX, BRUNO	
	Examiner Joy K Contee	Art Unit 2686	
<b>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</b>			
<b>Period for Reply</b>			
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>			
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<b>Status</b>			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>11 November 2003</u> .			
2a) <input type="checkbox"/> This action is FINAL.                    2b) <input checked="" type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
<b>Disposition of Claims</b>			
4) <input checked="" type="checkbox"/> Claim(s) <u>12-20</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>12-14 and 18-20</u> is/are rejected.			
7) <input checked="" type="checkbox"/> Claim(s) <u>15-17</u> is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
<b>Application Papers</b>			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>11/14/03</u> is/are: a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).			
11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.			
<b>Priority under 35 U.S.C. §§ 119 and 120</b>			
12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:			
1. <input type="checkbox"/> Certified copies of the priority documents have been received.			
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.			
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).			
* See the attached detailed Office action for a list of the certified copies not received.			
13) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.			
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.			
<b>Attachment(s)</b>			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) <input type="checkbox"/> Other: _____ .	

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to original claims 1-11, rewritten in claims 12-20, have been considered but are moot in view of the new ground(s) of rejection.

***Please note that Examiner Joy Contee has taken over the docket for this application.***

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12-14 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Salmela, U.S. Patent No. 5,805,996.

Regarding claims 12, Salmela discloses a method of distributing communications established by radio communication terminal, within a geographic cell of radio-communication network, said geographic cell being subdivided into at least two geographic sectors, the improvement comprising:

in that at least one base station may, by mechanically redirecting its antenna according to traffic demand, direct part or all of its capacity to the area of the radio cell where the traffic capacity demand has temporarily increased (i.e., reads on rotating an orientation of at least one of said at least two geographic sectors if a number of links

established in one of said at least two geographic sectors is greater than a predetermined number of links) (col. 1, lines 56-60, see Fig. 1).

Regarding claim 13, Salmela discloses the method according to claim 12, wherein said step of rotating comprises one of:

mechanically rotating at least one of transmission antennae and a reception antennae associated with said at least one of said at least two geographic sectors (col. 1, lines 56-60 and col. 3, lines 25-33).

Regarding claim 14, Salmela discloses the method according to claim 12, wherein said step of rotating comprises one of:

inherently rotating only if a number of links established in at least one of said at least two geographic sectors is less than said predetermined number of links (i.e., reads on antenna is mechanically redirected according to traffic demand, e.g., the reverse of temporarily increased traffic) (col. 1, lines 56-60 and col. 4, lines 33-49).

Regarding claim 19, Salmela discloses a device for the distribution of communications established by radio-communication terminals, within a cell of a radio-communications network, comprising:

means for rotating an orientation of sectors in said cell according to any one of steps of claims 12-14 (col. 3, line 66 to col. 4, line 15).

Regarding claim 20, Salmela discloses a base station for a cell of a radio communications network, comprising: means for distributing communication among sectors in a cell according to any one of the steps of claims 12-14 (col. 3, line 66 to col. 4, line 15).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salmela, in view of Keskitalo et al. (Keskitalo), U.S. Patent No. 5,966,670.

Regarding claim 18, Salmela discloses the method according to claim 12.

Salmela does not explicitly disclose, wherein said step of rotating comprises:

Inherently matching a sector rotation speed to a time for carrying out a transfer of communication from one sector to another.

In a similar field of endeavor, Keskitalo discloses matching a sector rotation speed to a time for carrying out a transfer of communication from one sector to another (col. 10, lines 4-15).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Salmela to include matching sector rotation speed to time for transferring communication signals for the purpose of minimizing a delay in the transfer of communication signals from one cell or sector to another.

***Allowable Subject Matter***

6. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record fails to explicitly disclose at least, detecting one or more sectors having one of a total transmission rate greater than a predetermined total transmission rate and a number of established links greater than a predetermined number of links.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al., U.S. Patent No. 5,815,525, discloses a multi-band, multi-mode spread spectrum communication system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on 5:30 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306

Art Unit: 2686

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



Joy Contee

January 26, 2004



CHARLES APPIAH  
PRIMARY EXAMINER